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DATE PREPARED: March 11, 2011
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LB 599

Revision: 00

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES *				
	FY 2011-12		FY 2012-13	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS	See Below		See Below	

*Does not include any impact on political subdivisions. See narrative for political subdivision estimates.

This bill requires the Department of Health and Human Services (HHS) to implement a separate program under the Children's Health Insurance Program (CHIP) for unborn children of mothers who are ineligible for coverage under Medicaid. Within 30 days after the effective date of this act, the department is required to submit a state plan amendment for approval by the Centers of Medicare and Medicaid (CMS) to provide for the separate program delineated in this bill. The benefits provided under the separate program are as follows: 1) professional fees for labor and delivery, including live birth, fetal death, miscarriage, and ectopic pregnancy; 2) pharmaceuticals and prescription vitamins; 3) outpatient hospital care; 4) radiology, ultrasound, and other necessary imaging; 5) necessary laboratory testing; 6) hospital costs related to labor and delivery; 7) services related to conditions that could complicate the pregnancy, including those for diagnosis or treatment of illness or medical conditions that threaten the carrying of the unborn child to full term or the safe delivery of the unborn child; and 8) other pregnancy-related services approved by the department. Postpartum services will not be covered. The income limit for eligibility is set at 185% of the federal poverty level (FPL). The bill states that the legislature finds that unborn children do not have immigration status and therefore are not within the scope of section 4-108.

The following conditions apply to a targeted child health program for the unborn under CHIP. Under this program:

The unborn child is covered if not otherwise eligible for Medicaid. A targeted low-income child must not be found or potentially found to be eligible for Medicaid under policies of the State Plan.

The state is permitted to provide health care services to promote healthy pregnancies, regardless of the mother's eligibility status.

States may set the income limits for the separate targeted children's health program at a different level than the income limit set under the CHIP Medicaid expansion program that Nebraska offers to children in families with incomes below 200% of FPL. The income level in the separate program must be at least 185% of the federal poverty level (FPL) and cannot exceed 200% of FPL.

The state determines the benefit package. Since it is the unborn child who is covered, there must be a connection between the benefits provided and the health of the unborn child.

The implementation date of the separate state children's health program is assumed to be July 1, 2011. The application for a targeted separate state program is a pre-printed form. Regional staff at the Centers for Medicare and Medicaid have indicated that the approval process would not take long and once approved can be retroactive to the beginning of the fiscal year.

This program would cover unborn children of undocumented women; unborn children of U. S. citizens with sanctions unless there is a domestic violence issue; and women who do not otherwise qualify for Medicaid, such as incarcerated women. The total cost of medical services to cover unborn children in CHIP is \$6,531,266 (\$1,959,379 GF and \$4,571,887 FF) in FY 12 and \$6,595,932 (\$1,978,779 GF and \$4,617,153 FF) in FY 13. Incarcerated individuals are not

eligible for Medicaid, but under this bill pregnant women in prison would be covered under CHIP. The Department of Corrections would have a savings of approximately \$100,000 annually.

As stated previously, under federal law, coverage under CHIP can only be provided to an individual who does not qualify for Medicaid. Section 4 of the bill includes hospital delivery costs as part of the benefit package. However, undocumented women would be covered under a Medicaid provision that requires emergency services to be covered for them; therefore, the hospital delivery costs for undocumented women will be paid by the Medicaid Program and are not included in the calculations for this bill. Delivery costs for the unborn children of U. S. citizens would be covered under CHIP.

Computer changes would cost \$74,000 (\$18,500 GF and \$55,500 FF) in FY 12. Additional staff positions that would be needed are a Program Analyst, 4.0 Social Service Workers, and 1.5 Payment Reviewers. The costs would be \$317,924 (\$140,464 GF and \$177,460 FF) in FY 12 and FY 13. The contractor in the department's fiscal note would not be needed, as noted earlier in this fiscal note, the application is a pre-printed form and there is a streamlined approval process. The half-time physician would not be needed, as the services provided mirror services currently provided under the state's approved Medicaid state plan.

The problems that result from lack of prenatal care and the cost to benefit ratio of providing prenatal care is discussed In the National Conference of State Legislatures issue brief "Funding Prenatal Care for Unauthorized Immigrants: Challenges Lie Ahead for States." According to the report:

Early and continuous prenatal care provides women with opportunities for ongoing assessment for one of the most significant complications of pregnancy -- low birth weight. Low birth weight and very low birth weight which result from a failure of the fetus to fully develop (intrauterine growth retardation), the infant being born too soon (pre-term) or a combination of both, contribute substantially to infant mortality and childhood disabilities. Studies estimate that every dollar spent on prenatal care yields between \$1.70 and \$3.38 in savings by reducing neonatal complications. The savings increase dramatically when the long-term costs of caring for newborns with physical and developmental disabilities are considered, and are even greater when unforeseen maternal complications are avoided.

DEPARTMENT OF ADMINISTRATIVE SERVICES

REVIEWED BY	Elton Larson	DATE	3/15/11	PHONE	471-2526
COMMENTS					
DEPARTMENT OF HEALTH AND HUMAN SERVICES: Agency analysis appears reasonable.					

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FISCAL NOTE

LEGISLATIVE FISCAL

2011

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

State Agency or Political Subdivision Name: (2) Department of Health and Human Services

Prepared by: (3) Willard Bouwens

Date Prepared: (4) March 14, 2011

Phone: (5) 471-8072

	FY 2011-2012		FY 2012-2013	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS	66,516		1,133,532	
CASH FUNDS				
FEDERAL FUNDS	165,693		2,601,335	
OTHER FUNDS				
TOTAL FUNDS	\$232,209	\$0	\$3,734,867	\$0

Return by date specified or 72 hours prior to public hearing, whichever is earlier.

Explanation of Estimate:

LB 599 would require the Nebraska Medicaid program to submit a SPA by July 1, 2011, which would not be possible. When funding is received for FY2012, DHHS would hire a contractor to prepare the SPA and participate in the approval process, at an estimated cost of \$75,733 (\$22,985 GF, \$52,748 FF) in FY12, and \$37,867 (\$11,493 GF, \$26,374 FF) in FY13. It is anticipated that the application process would take a year to complete, with an estimated SPA submittal date of July 1, 2012. At that point, the CMS review and question/answer process would begin, and would be expected to last six months before approval is received, estimated at January 1, 2013. DHHS computer system changes would be required to create the new CHIP Unborn designation, at \$74,000 (\$18,500 GF, \$55,500 FF) for FY12. A 1.0 FTE Program Specialist would be required to develop and administer the program, starting in FY12. A 1.0 FTE Program Analyst would be required for the additional program reporting requirements, 4.0 FTE Social Services Workers would be required for the additional caseload, and 1.5 FTE Payments Reviewers and an 0.5 FTE Physician would be required to evaluate claims for pregnancy relatedness, starting 1/1/13, at \$82,476 (\$25,031 GF, \$57,445 FF) for FY12, and \$399,034 (\$121,106 GF, \$277,928 FF) for FY13. Total Program 33 administration expenditures are estimated at \$232,209 (\$66,516 GF, \$165,693 FF) for FY12, and \$436,901 (\$132,599 GF, \$304,302 FF) for FY13.

Program 344 aid expenditures for ineligible alien pre-delivery services, effective 1-1-13, are estimated at \$3,297,966 (\$1,000,933 GF, \$2,297,033 FF) for half of FY13. For the first full year, expenditures are estimated at \$6,662,684 (\$2,022,125 GF, \$4,640,559 FF) for FY14. Labor and delivery services would continue to be paid as Medicaid emergency services.

MAJOR OBJECTS OF EXPENDITURE

PERSONAL SERVICES:	POSITION TITLE	NUMBER OF POSITIONS		2011-2012	2012-2013
		11-12	12-13	EXPENDITURES	EXPENDITURES
Program Specialist		1.0	1.0	48,329	48,329
Program Analyst		0	0.5	0	23,836
Social Services Workers		0	2.0	0	74,006
Payments Reviewers		0	.75	0	24,122
Physician		0	.25	0	48,858
Benefits.....				19,332	87,660
Operating.....				84,328	80,333
Travel.....				0	0
Capital Outlay.....				80,220	49,760
Aid.....				0	3,297,966
Capital Improvements.....				0	0
TOTAL.....				\$232,209	\$3,734,867